

Date: October 10, 2006

Agenda Item No. 8(P)(1)(L)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Resolution Approving a Miami-Dade County Disclaimer for an Access Easement in Section 9, Township 54 South, Range 39 East as Recorded in Official Records Book 12142, Pages 1186 and 1187 of the Public Records of Miami-Dade County, Florida; Authorizing the Mayor to Execute Same for and on Behalf of Miami-Dade County

RECOMMENDATION

It is recommended that the Board of County Commissioners, following a public hearing, approve the attached resolution authorizing execution of a Miami-Dade County disclaimer for an access easement located in Section 9, Township 54 South, Range 39 East, as Recorded in Official Records Book 12142, Pages 1186 and 1187, of the Public Records of Miami-Dade County, Florida.

BACKGROUND

The present property owner is required by the Public Works Department (PWD) to extinguish the subject easement prior to PWD approving a Final Plat application submitted to the County by the property owner. The owner has requested a disclaimer of the subject access easement. The easement, although recorded, was never accepted by Miami-Dade County and the County does not have use for it. Access in the area is being provided by right-of-way dedications in said Final Plat of SW 157 Avenue. A location map and legal description are attached as Exhibit "A" and "B" and incorporated herein.

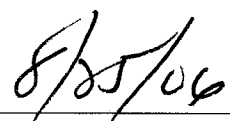
The Public Works Department recommends disclaiming the subject easement.

FISCAL IMPACT

There is no fiscal impact associated with this item.



Assistant County Manager



Date



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(L)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 8(P)(1)(L)

Veto _____

10-10-06

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING A MIAMI-DADE COUNTY
DISCLAIMER FOR AN ACCESS EASEMENT, IN SECTION 9,
TOWNSHIP 54 SOUTH, RANGE 39 AS RECORDED IN
OFFICIAL RECORDS BOOK 12142 PAGES 1186 AND 1187 OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE SAME
FOR AND ON BEHALF OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the attached Miami-Dade County Disclaimer for an access easement in substantially the form attached hereto and made a part hereof; authorizes the Mayor to execute same for and on behalf of Miami-Dade County; and authorizes the Director of the Public Works Department to cause said Miami-Dade County Disclaimer to be recorded among the Public Records of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of October, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Return to:

Right-of-Way Division .
Miami-Dade County Public Works Dept. .
111 N.W. 1st Street .
Miami, FL 33128-1970 .

Instrument prepared by: .
Luis F. Lacau Jr., P.L.S. .
Right of Way Division . Section 9-54-39

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, to wit:

See EXHIBIT "A" & "B" attached
hereto and made a part hereof.

WHEREAS, Royal Netherlands Management Company, Inc, a Florida Corporation declared an access easement by certain Warranty Deeds dated June 28, 1982, and recorded in Official Record Book 12142, at Pages 1186, and 1187 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the above described easement was never accepted by Miami-Dade County and is not needed by MIAMI-DADE COUNTY for access purposes; and

WHEREAS, the present property owner is required by the Public Works Department to extinguish said easement as a condition for Plat approval:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM any interest it has in the above-described lands by virtue of said Warranty Deeds dated June 28, 1982, and recorded in Official Record Book 12142, at Pages 1186 and 1187 of the Public Records of Miami-Dade County, Florida.

5

IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this

_____ Day of _____, A.D. 2006.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY IT'S BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

Print: _____

Print: Carlos Alvarez

Address: 111 N.W. 1st Street
Miami-Dade Center
Miami, Florida 33128

The foregoing was authorized and approved on the _____ day of _____, A.D. 2006, by Resolution No. **R-** _____ the Board of County Commissioners of Miami-Dade County, Florida.

The foregoing instrument was acknowledged before me this _____ day of _____, 2006 by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC

Sign: _____

Print: _____

STATE OF FLORIDA at large
My commission expires: _____

EXHIBIT "A"

Easement to be Disclaimed

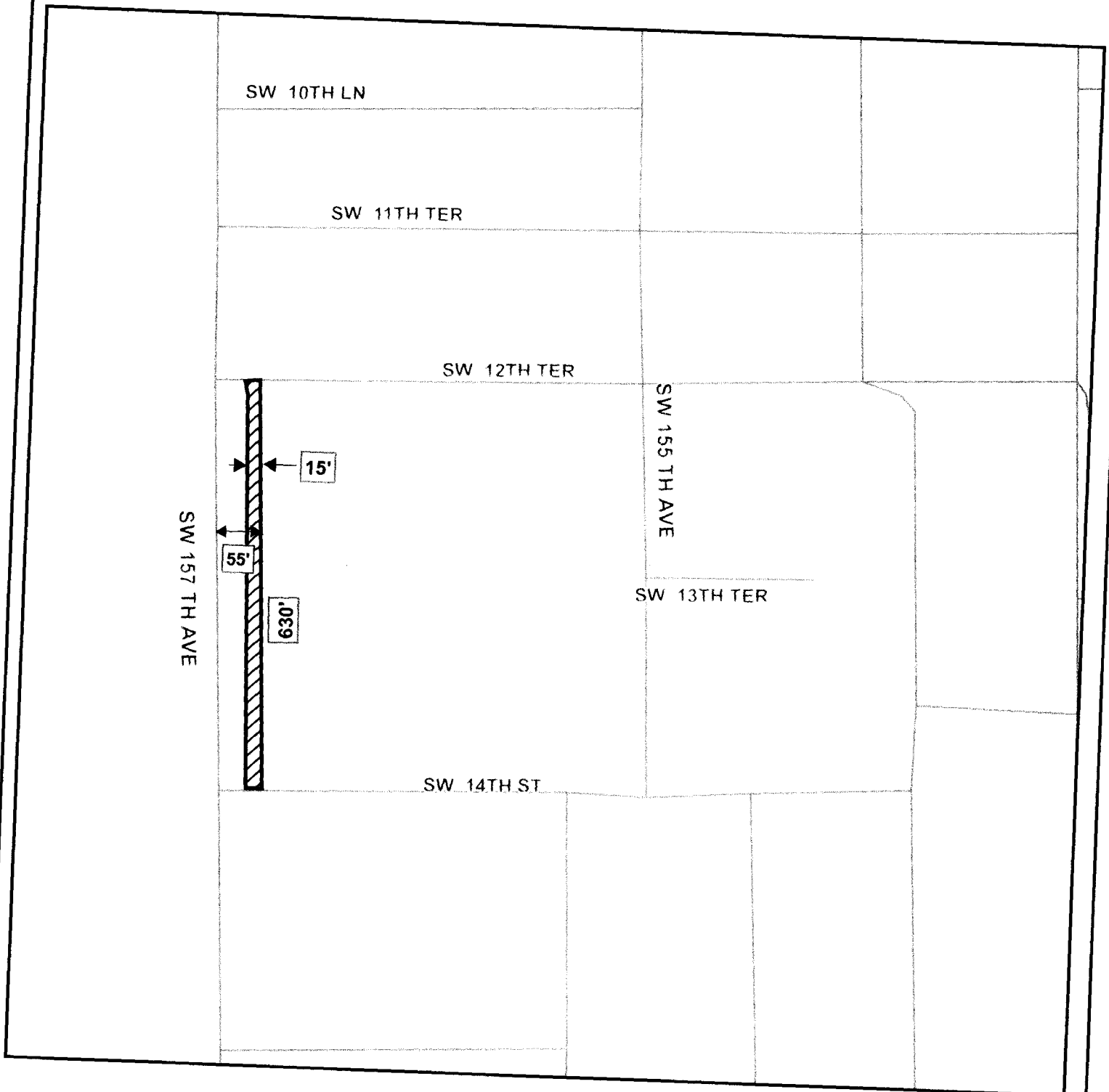
That certain easement over and across the NW 1/4 of Section 9, Township 54 South, Range 39 East, Miami Dade County, Florida, said easement being more particularly described as follows:

The East 15 Feet of the West 55 feet of the North 210 feet of the South 1933 feet of the West 1/2 of the NW 1/4 of said Section 9

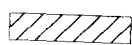
AND

The East 15 feet of the West 55 feet of the North 420 feet of the South 1723 feet of the West 1/2 of the West 1/2 of the NW 1/4 of said Section 9

EXHIBIT "B"



PORTIONS OF THE NW1/4 OF NW1/4 OF
SECTION 9 TOWNSHIP 54 RANGE 39



AREA TO BE DISCLAIMED



MIAMI-DADE PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY DIVISION
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825



Drawn by: Yazmin Moreno
June 28, 2006